THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

W.P.No. 26509 of 2007

Dated : 11.12.2007

Between:
Yalamanchili Venkateswara Rao and others.
.

..Petitioners.

and

The State of Andhra Pradesh, rep. by its Principal Secretary to Revenue Department,Secretariat, Saifabad, Hyderabad and others.

..Respondents.

THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

W.P.No. 26509 of 2007

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

Inasmuch as the appeal preferred by the petitioners is pending consideration before the second respondent-appellate authority, this writ petition can be disposed of at the stage of admission.

The petitioners claim to have purchased different extents of house sites, in the land covered by Sy.No.15/2 of Duvvada Village, Visakhapatnam District, under valid registered sale deeds, for valuable consideration. It is the case of the petitioners that the above said land was private patta land. However, the third respondent- Tahsildar, Gajuwaka, initiated proceedings, in Rc.No.116/2007/SA, dated 19.11.2007, for eviction of the petitioners, on the ground that the above said land was an assigned land, transferred in their favour in contravention of the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'). It is stated that as against the orders of the third respondent, dated 19.11.2007, the petitioners preferred an appeal before the second respondent-appellant authority, as provided under Section 4-A of the Act and also an application for grant of interim order, but no interim orders

have been passed and on the other hand, the respondents are taking steps to evict the petitioners, in view of the order of eviction, dated 19.11.2007, passed by the third respondent.

In view of the pendency of the appeal, which is the substantial remedy provided under the statute itself, it is not desirable to record any finding on merits. But however, it is stated that the petitioners have purchased the land in question in the year 1985 under registered sale deeds for the purpose of constructing residential houses and they are in continuous possession of the same and that the land was not assigned. Therefore, I deem it appropriate to dispose of the writ petition with the following directions:

(i) The second respondent-appellate authority shall dispose of the appeal preferred by the petitioners under Section 4-A of the Act, as expeditiously as possible;

(ii) the respondents shall not enforce the order, dated 19.11.2007, passed by the third respondent in Rc.No.116/2007/SA, and shall not interfere with the petitioners' possession, till disposal of the appeal.

(iii) No order as to costs.

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R. SUBHASH REDDY, J

Dated:11.12.2007

Note:CC by two days.

(Bo)

sj